

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6062L

v.

ONEL MEDINA-SOSA,

Defendant.

Defendant moves (Dkt. #181 and Dkt. #190), *pro se*, for an order pursuant to FED. R. CRIM. P. 41(g) for the return of property. The Government responded to defendant's motions (Dkt. #195).

For the reasons advanced by the Government in its response, I deny the motions. The property that defendant seeks to be returned was seized not by an agency of the Federal Government but by the Rochester City Police Department. Based on the authority cited by the Government, this Court has no jurisdiction to order the return of property that was not, and is not, in the possession of the United States or one of its agencies.

CONCLUSION

Defendant's motions (Dkt. #181 and Dkt. #190) for the return of seized property are in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 5, 2011.